

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KAREN ROYCE,

Plaintiff,

v.

WESTERN NEVADA COLLEGE; et al.,

Defendants.

3:12-cv-0350-LRH-VPC

ORDER

Before the court is defendants' motion to dismiss. Doc. #6. Plaintiff Karen Royce ("Royce") filed an opposition and request to amend complaint (Doc. #14) to which defendants' replied (Doc. #15).

I. Facts and Procedural History

Plaintiff Royce was enrolled as a student in a Human Sexuality class at Western Nevada College the Fall 2011 semester. While attending the class, Royce alleges that she was subject to a hostile education environment in violation of Title 9 because she was forced to discuss personal sexual information. Royce eventually voluntarily dropped from the class without credit.

Subsequently, Royce filed a complaint against defendants alleging various violations of Title 9 and Section 1983 claims. Doc. #1. Thereafter, defendants filed the present motion to dismiss. Doc. #6.

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1 **II. Discussion**

2 In their motion, defendants contend that plaintiff Royce has failed to allege a single cause of
3 action upon which relief can be granted because she has either (1) failed to identify the underlying
4 constitutional violations, or (2) failed to allege a key element of the identified claims. *See* Doc. #6.
5 The court has reviewed the documents and pleadings on file in this matter and agrees with
6 defendants that the complaint fails to sufficiently allege a single cause of action upon which relief
7 can be granted. In her complaint, Royce merely sets out the base elements of her claims but fails to
8 allege how defendants acted, or how defendants' actions violated the elements of the claims she
9 puts forth. In particular, Royce fails to sufficiently allege (1) how defendants engaged in either age
10 or gender discrimination, (2) how the activities and discussions in the Human Sexuality class were
11 a violation of Title 9, or (3) clearly identify the underlying constitutional rights that form the basis
12 of her Section 1983 claims. Therefore, the court shall grant defendants' motion to dismiss.
13 However, because Royce has requested leave to amend her complaint, and the court finds that
14 defendants would not be prejudiced by amendment, the court shall grant her leave to file an
15 amended complaint that addresses the pleading defects identified in this order and defendants'
16 motion.

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18 IT IS THEREFORE ORDERED that defendants' motion to dismiss (Doc. #6) is
19 GRANTED. Plaintiff's complaint (Doc. #1) is DISMISSED in its entirety.

20 IT IS FURTHER ORDERED that plaintiff Karen Royce shall have thirty (30) days from
21 entry of this order to file an amended complaint in accordance with this order.

22 DATED this 28th day of January, 2013.

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LARRY R. HICKS
26 UNITED STATES DISTRICT JUDGE